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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,455	11/20/2001	Ralph Gritzbach	269/142	8849
28204	7590	08/08/2006		
SIEMENS SCHWEIZ AG I-47, INTELLECTUAL PROPERTY ALBISRIEDERSTRASSE 245 ZURICH, CH-8047 SWITZERLAND			EXAMINER COBANOGLU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/988,455	GRITZBACH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dilek B. Cobanoglu	3626	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/20/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Notice to Applicant*

1. This communication is in response to the amendment filed 05/24/2006. Claims 1-18 continue pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peifer et al. (hereinafter Peifer) (U.S. Patent No. 5,987,519) in view of Zaitzu et al. (hereinafter Zaitzu) (U.S. Patent Publication No. 2002/0013551 A1).

A. Claim 1 is amended now to recite an input unit operatively coupled to the data processor and configured to select a diagnosis instrument from the two or more diagnosis instruments and to generate a control code for the selected diagnosis instrument, when a control instruction for actively controlling the selected diagnosis instrument is entered through the input unit.

Peifer fails to expressly teach actively controlling the selected diagnosis instrument, per se, since it appears that Peifer is more directed to a medical device interface of video and voice (Peifer et al.; abstract and col.

4, lines 8-13). However, this feature is well known in the art, as evidenced by Zaitzu.

In particular, Zaitzu discloses an actively controlling the selected diagnosis instrument (Zaitzu; abstract, paragraphs 0018, 0019, 0057 and 0075).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Zaitzu with the motivation of the operator make decisions (par. 0018) and correcting the errors (par. 0074 and 0075).

B. Claim 12 is amended and reflects the same changes made to system claim 1, and is therefore rejected for the same reasons given above for system claim 1 in addition to the reasons given in the previous office action (paper no. 5-6).

C. Claim 13 is amended to correct a minor error, and is rejected with the same reasons given in the previous office action (paper no. 6).

D. Claims 2-11, 14-16 and 18 have not been amended, and Applicant does not appear to argue the separate patentability of these claims. As such, claims 2-11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peifer et al. (hereinafter Peifer) (U.S. Patent No. 5,987,519) in view of Zaitzu et al. (hereinafter Zaitzu) (U.S. Patent Publication No. 2002/0013551 A1) for the same reasons given in the previous Office Action (paper number 3-6), and incorporated herein.

E. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peifer et al (U.S. Patent No. 5,987,519) and Zaitzu et al. (hereinafter Zaitzu)

(U.S. Patent Publication No. 2002/0013551 A1) as applied to claim 12, further in view of Surwit et al. (U.S. Patent No. 6,024,699).

***Conclusion***

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC

DBC  
Art Unit 3626  
07/20/2006

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER